

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

JON BATTS,

Plaintiff,

v.

REMINGTON ARMS COMPANY, LLC,

Defendant.

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CIVIL ACTION NO. 6:17-CV-00346-ADA
[JURY DEMANDED]

**PLAINTIFF'S RESPONSE TO DEFENDANT REMINGTON ARMS COMPANY LLC'S
OPPOSED MOTION TO EXCLUDE THE OPINION TESTIMONY OF PLAINTIFF'S
LIABILITY EXPERT CHARLES POWELL AS TO PRODUCT DEFECT AND CAUSATION**

TO THE HONORABLE COURT:

Plaintiff Jon Batts files this Response to Defendant Remington Arms Company LLC's Motion to Exclude the Opinion Testimony of Plaintiff's Liability Expert Charles Powell as to Product Defect and Causation and states as follows:

1. Plaintiff sued Defendant alleging negligence and strict liability. Defendant timely removed based on diversity jurisdiction.

2. On July 19, 2019, Defendant Remington filed its Motion to Exclude the Opinion Testimony of Plaintiff's Liability Expert Charles Powell ("the Motion to Exclude Powell")[Doc. 29]. Plaintiff's deadline to file his Response was extended until August 12, 2019 by the Court's text Order dated July 25, 2019.

3. Plaintiff's liability expert, Charles Powell, was de-designated by Plaintiff as a testifying expert via Plaintiff's Second Supplemental Designation of Experts served on August 8, 2019.

4. Since Mr. Powell has been de-designated by Plaintiff and he will not offer the opinion testimony made the basis of Defendant's Motion to Exclude, Defendant's Motion is now moot and no ruling on the exclusion of Mr. Powell's opinion testimony is needed.

5. No relief is sought by Plaintiff and this Responses being filed solely to advise the

court that the opinion testimony made the basis of Defendant's Motion to Exclude the Opinion Testimony of Plaintiff's Liability Expert Charles Powell as to Product Defect and Causation is moot.

Respectfully submitted,

RAD LAW FIRM

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ Robert M. Meador

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